



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 21, 2011

Ms. Jennifer Soldano
Legal Counsel
Texas Department of Motor Vehicles
4000 Jackson Avenue
Austin, Texas 78731

OR2011-08810

Dear Ms. Soldano:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 421220.

The Texas Department of Motor Vehicles (the "department") received a request for all applications for exempt license plates filed by a specified local governmental entity during a specified period of time. You claim the requested information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.¹ We have also considered arguments submitted by the requestor. *See* Gov't Code § 552.304 (interested party may submit comments to this office stating why the information at issue should or should not be released).

Initially, we note the requestor excludes any vehicle title or registration information from his request for information. Accordingly, these types of information are not responsive to the instant request. This ruling does not address the public availability of any information that

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

is not responsive to the request and the department need not release non-responsive information in response to the request.

Next, we address the requestor's comments to this office arguing that the department failed to comply with section 552.301(b) of the Government Code by not seeking a ruling from this office within ten business days of receiving his written request. *See id.* § 552.301(b). In this instance, the requestor contends, and the submitted information reflects, the department received the request for information on March 23, 2011. *See id.* § 552.222(b) (governmental body may communicate with requestor for purpose of clarifying or narrowing request for information). We understand the department requested clarification on March 31, 2011, but the requestor did not receive and respond to the clarification until April 11, 2011. As we have no indication the department acted in bad faith in seeking clarification in this instance, we consider the department's ten-business-day period for requesting a decision under section 552.301(b) to have begun on April 11, 2011, the date the department received the requestor's response to the request for clarification. *See City of Dallas v. Abbott*, 304 S.W.3d 380, 384 (Tex. 2010) (holding when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or over-broad request for public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed). We note state agencies observed a skeleton crew day on April 21, 2011. This office does not count any holidays, including skeleton crew days observed by a governmental body, as business days for the purpose of calculating a governmental body's deadline under the Act. Thus, the department's ten-business-day deadline was April 26, 2011. We note the department's submission to this office was postmarked within the ten-business-day deadline. *See* Gov't Code § 552.308 (describing rules for calculating submission dates of documents sent via first class United States mail, common or contract carrier, or interagency mail). Accordingly, we find the department complied with section 552.301 of the Government Code.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." *Id.* § 552.101. This section encompasses information other statutes make confidential. Section 730.004 of the Transportation Code provides that "an agency may not disclose personal information about any person obtained by the agency in connection with a motor vehicle record." Transp. Code § 730.004. "'Personal information' means information that identifies a person, including an individual's photograph or computerized image, social security number, driver identification number, name, address, but not the zip code, telephone number, and medical or disability information." *Id.* § 730.003(6). "Person" is defined as "an individual, organization, or entity but does not include this state or an agency of this state." *Id.* § 730.003(5). The department compiles or maintains motor vehicle records, and thus, is an "agency" for purposes of chapter 730. *See id.* § 730.003(1) ("agency" is state agency that compiles or maintains motor vehicle records). In this instance, the information at issue is an application for standard Texas exempt license plates. We find this information consists of a motor vehicle record containing personal information of a "person." *See id.* § 730.003(4) ("motor vehicle record" is a record pertaining to Texas motor vehicle title or

registration). Here, the local governmental entity is the "person" whose vehicle and license plate are the subject of the submitted application. Accordingly, the department must withhold the entity's personal information we have marked in the application under section 552.101 of the Government Code in conjunction with section 730.004 of the Transportation Code. The department asks whether the name of the person listed as the entity's contact person is considered to be "personal information." Given the types of information included in the definition of "personal information," we conclude the contact person's name is not the entity's personal information protected by section 730.004 of the Transportation Code. Therefore, the remaining responsive information must be released.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Paige Lay
Assistant Attorney General
Open Records Division

PL/eb

Ref: ID# 421220

Enc. Submitted documents

cc: Requestor
(w/o enclosures)